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LOZEAU DRURY LLP

environmental DEFENSE CENTER

May 3, 2016

**Sent Via Certified Mail, Return Receipt Requested:**

Mark Lawler, General Manager
Frank Kiesler, Director of Operations
Ventura Regional Sanitation District
1001 Partridge Dr., Suite 150
Ventura, CA 93003

David Thomas, Environmental Resources Analyst
Toland Road Landfill
3500 Toland Road
Santa Paula, CA 93060

**Sent via U.S. Mail:**

Michelle Ascencion, Clerk of the Board
Ventura Regional Sanitation District
1001 Partridge Dr., Suite 150
Ventura, CA 93003

**Re: Notice of Violations and Intent to File Suit under the Federal Water Pollution Control Act**

Dear Mssrs. Lawler, Kiesler, and Thomas:

We are writing on behalf of the Environmental Defense Center ("EDC")" in regard to violations of the Clean Water Act (the "Act") that EDC believes are occurring at the Ventura Regional Sanitation District's ("VRSD") Toland Road Landfill located at 3500 Toland Road in Ventura, California ("Facility"). This letter is being sent to VRSD and Mssrs. Lawler, Kiesler, and Thomas as the responsible owner and/or operators of the Facility (all recipients are hereinafter collectively referred to as "VRSD").

This letter addresses VRSD's unlawful discharge of pollutants from the Facility to

O'Leary Creek, which flows into Reach 3 of the Santa Clara River and then flows into the Pacific Ocean. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 97-03-DWQ ("1997 Permit") as renewed by Order No. 2015-0057-DWQ ("2015 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit maintains or makes more stringent the same requirements as the 1997 Permit. As appropriate, EDC refers to the 1997 and 2015 Permits in this letter collectively as the "General Permit." The Waste Discharger Identification ("WDID") number for the Facility listed on documents submitted to the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") is 4 56I002542. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, VRSD is hereby placed on formal notice by EDC that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, EDC intends to file suit in federal court against VRSD under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

## I. Background

### A. Environmental Defense Center

Founded in 1977, EDC is a non-profit 501(c)(3), public benefit corporation with more than 3,000 members, and works primarily in Ventura, Santa Barbara, and San Luis Obispo Counties. EDC's main office is located at 906 Garden Street, in Santa Barbara, California, 93101. EDC's Ventura County office is located at 111 West Topa Topa Street, in Ojai, California. EDC protects and enhances the local environment through education, advocacy, and legal action. Specifically, EDC focuses on clean water, the Santa Barbara Channel, open space and wildlife, and climate and energy.

EDC has members who reside near the Santa Clara River, O'Leary Creek, and the Pacific Ocean in Ventura County, and who regularly use these waters and surrounding areas for recreational activities, including swimming, hiking, kayaking, fishing, and surfing. As described below, the Facility has unlawfully and continuously discharged pollutants into Santa Clara River and its tributary, O'Leary Creek. The Santa Clara River flows into the Pacific Ocean. These illegal discharges are due to VRSD's failure to comply with the General Permit and CWA, and

have impaired and will continue to impair EDC members' use and enjoyment of these water bodies. Thus, the interests of EDC's members have been, are being, and will continue to be adversely affected by VRSD's failure to comply with the General Permit and CWA.

### B. Applicable Standards, Benchmarks, and Numeric Action Levels ("NALs")

In its Notice of Intent to comply with the General Permit, VRSD certifies that the Facility is classified under SIC code 4953. The Facility collects and discharges storm water from its 161-acre industrial site through one outfall. On information and belief, EDC alleges that all storm water discharges from the Facility contain storm water that is commingled with runoff from the Facility from areas where industrial processes occur. The outfall discharges to O'Leary Creek, which flows into Reach 3 the Santa Clara River, which then flows into the Pacific Ocean.

The Regional Board has identified beneficial uses of the Santa Clara River and its tributaries, and established water quality standards for them in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties," generally referred to as the Basin Plan. *See* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml. The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. *See* Basin Plan, Table 2-1, available at http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/electronics_documents/BeneficialUseTables.pdf.

The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." *Id.* at 3-38. The Basin Plan provides that "[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3-37. The Basic Plan provides that "[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges." *Id.* at 3-35. The Basin Plan provides that "[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3-26. The Basin Plan provides that "[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses." *Id* at 3-25. The Basin Plan provides that "[w]aters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses." *Id.* at 3-38.

The Basin Plan provides that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) [such as the Santa Clara River] shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals) and Table 64444-A of Section 64444 (Organic Chemicals). This incorporation by reference is prospective including future changes to the incorporated provisions as the changes take effect. (See Tables 3-

8 and 3-9.)" *Id.* at 3-24. The Basin Plan provides the following Maximum Contaminant Levels ("MCLs"): arsenic – 0.010 mg/L; cadmium – 0.005 mg/L; chromium – 0.05 mg/L; nickel – 0.1 mg/L; and nitrate + nitrite as nitrogen – 10 mg/L.

The Basin Plan also provides Water Quality Objectives ("WQOs") for selected constituents in inland surface waters, including the Santa Clara River. *Id.* at 3-30. For the portion of the Santa Clara River Watershed where O'Leary Creek flows in the Santa Clara River ("Between A Street, Fillmore and Freeman Diversion 'Dam' near Saticoy"), the Basin Plan provides a WQO of nitrate + nitrite as nitrogen of 5 mg/L.

The EPA has adopted freshwater numeric water quality standards for zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC"); for copper of 0.013 mg/L (CMC); for lead of 0.065 mg/L (CMC); for cadmium of 0.0043 mg/L (CMC); and for nickel of 0.47 mg/L (CMC). 65 Fed.Reg. 31712 (May 18, 2000) (California Toxics Rule).[1]

The 303(d) list indicates that Reach 3 of the Santa Clara River is impaired for ammonia, chloride, total dissolved solids, and toxicity. http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT").[2] The following benchmarks have been established for pollutants discharged by VRSD: pH – 6.0 - 9.0 standard units ("s.u."); total suspended solids ("TSS") – 100 mg/L; iron – 1.0 mg/L; nitrate + nitrite as nitrogen ("N+N") – 0.68 mg/L; phosphorous – 2.0 mg/L; ammonia – 2.14 mg/L; arsenic – 0..15 mg/L; zinc – 0.26 mg/L; copper – 0.0332 mg/L; lead – 0.262 mg/L; and cadmium – 0.0053 mg/L.

These benchmarks are reflected in the 2015 Permit in the form of NALs. The 2015 Permit incorporates annual NALs, which reflect the 2008 EPA Multi-Sector General Permit benchmark values, and instantaneous maximum NALs, which are derived from a Water Board dataset. The following annual NALs have been established under the 2015 Permit: TSS – 100 mg/L; iron – 1.0 mg/L; N+N – 0.68 mg/L; phosphorous – 2.0 mg/L; ammonia – 2 mg/L; arsenic – 0.15 mg/L; zinc – 0.26 mg/L; copper – 0.0332 mg/L; lead – 0.262 mg/L; and cadmium – 0.0053 mg/L. The 2015 Permit also establishes the following instantaneous maximum NALs: pH – 6.0-9.0 s.u.; TSS – 400 mg/L; and oil & grease ("O&G") – 25 mg/L.

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[1] These values are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L, which is the default listing in the California Toxics Rule.

[2] The Benchmark Values can be found at: http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

## II. Alleged Violations of the NPDES Permit.

### A. Discharges in Violation of the Permit

VRSD has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. The 2015 Permit includes the same effluent limitation. *See* 2015 Permit, Effluent Limitation V(A). BAT and BCT include both nonstructural and structural measures. 1997 Permit, Section A(8); 2015 Permit, Section X(H). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III(B) of the 2015 Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the 1997 Permit and Discharge Prohibition III(C) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI(B) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) and Discharge Prohibition III(D) of the 2015 Permit also prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) of the 2015 Permit. As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

VRSD has discharged and continues to discharge storm water with unacceptable levels of TSS, N+N, phosphorous, iron, ammonia, arsenic, copper, zinc, lead, cadmium, chromium and nickel in violation of the General Permit. VRSD's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained observations of pollutants in excess of numeric and narrative water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

| Date | Parameter | Observed Concentration/ Conditions | Basin Plan Water Quality Objective / CTR / MCL | Outfall (as identified by the Facility) |
|---|---|---|---|---|
| 12/12/2015 | N+N | 365 mg/L | 5 mg/L (WQO) / 10 mg/L (MCL) | T2 |
| 12/2/2014 | N+N | 121.5 mg/L | 5 mg/L (WQO) / 10 mg/L (MCL) | T2 |
| 12/24/2012 | N+N | 19.7 mg/L | 5 mg/L (WQO) / 10 mg/L (MCL) | T2 |
| 3/26/2012 | N+N | 31 mg/L | 5 mg/L (WQO) / 10 mg/L (MCL) | T2 |
| 1/23/2012 | N+N | 9.4 mg/L | 5 mg/L (WQO) | T2 |
| 1/19/2016 | Arsenic | 0.026 mg/L | 0.01 mg/L (MCL) | T2 |
| 1/5/2016 | Arsenic | 0.069 mg/L | 0.01 mg/L (MCL) | T2 |
| 12/12/2015 | Arsenic | 0.12 mg/L | 0.01 mg/L (MCL) | T2 |
| 12/2/2014 | Arsenic | 0.071 mg/L | 0.01 mg/L (MCL) | T2 |
| 2/27/2014 | Arsenic | 0.21 mg/L | 0.01 mg/L (MCL) | T2 |
| 11/21/2013 | Arsenic | 0.022 mg/L | 0.01 mg/L (MCL) | T2 |
| 12/24/2012 | Arsenic | 0.029 mg/L | 0.01 mg/L (MCL) | T2 |
| 3/26/2012 | Arsenic | 0.019 mg/L | 0.01 mg/L (MCL) | T2 |
| 1/23/2012 | Arsenic | 0.011 mg/L | 0.01 mg/L (MCL) | T2 |
| 10/5/2011 | Arsenic | 0.069 mg/L | 0.01 mg/L (MCL) | T2 |
| 1/19/2016 | Copper | 0.16 mg/L | 0.013 mg/L (CMC) | T2 |
| 1/5/2016 | Copper | 0.47 mg/L | 0.013 mg/L (CMC) | T2 |
| 7/20/2015 | Copper | 0.03 mg/L | 0.013 mg/L (CMC) | T2 |
| 12/12/2015 | Copper | 0.51 mg/L | 0.013 mg/L (CMC) | T2 |
| 2/27/2014 | Copper | 0.89 mg/L | 0.013 mg/L (CMC) | T2 |
| 11/21/2013 | Copper | 0.14 mg/L | 0.013 mg/L (CMC) | T2 |
| 3/8/2013 | Copper | 0.17 mg/L | 0.013 mg/L (CMC) | T2 |
| 1/24/2013 | Copper | 0.05 mg/L | 0.013 mg/L (CMC) | T2 |
| 12/24/2012 | Copper | 0.105 mg/L | 0.013 mg/L (CMC) | T2 |
| 11/29/2012 | Copper | 0.016 mg/L | 0.013 mg/L (CMC) | T2 |
| 4/11/2012 | Copper | 0.018 mg/L | 0.013 mg/L (CMC) | T2 |
| 3/26/2012 | Copper | 0.068 mg/L | 0.013 mg/L (CMC) | T2 |
| 1/23/2012 | Copper | 0.056 mg/L | 0.013 mg/L (CMC) | T2 |

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|---|---|---|---|---|
| 10/5/2011 | Copper | 0.26 mg/L | 0.013 mg/L (CMC) | T2 |
| 1/19/2016 | Zinc | 0.86 mg/L | 0.12 mg/L (CMC) | T2 |
| 1/5/2016 | Zinc | 1.8 mg/L | 0.12 mg/L (CMC) | T2 |
| 12/12/2015 | Zinc | 1.6 mg/L | 0.12 mg/L (CMC) | T2 |
| 2/27/2014 | Zinc | 3.1 mg/L | 0.12 mg/L (CMC) | T2 |
| 11/21/2013 | Zinc | 0.21 mg/L | 0.12 mg/L (CMC) | T2 |
| 3/8/2013 | Zinc | 0.48 mg/L | 0.12 mg/L (CMC) | T2 |
| 1/24/2013 | Zinc | 0.13 mg/L | 0.12 mg/L (CMC) | T2 |
| 12/24/2012 | Zinc | 0.38 mg/L | 0.12 mg/L (CMC) | T2 |
| 1/23/2012 | Zinc | 0.18 mg/L | 0.12 mg/L (CMC) | T2 |
| 10/5/2011 | Zinc | 0.84 mg/L | 0.12 mg/L (CMC) | T2 |
| 1/5/2016 | Lead | 0.15 mg/L | 0.065 mg/L (CMC) | T2 |
| 12/2/2014 | Lead | 0.077 mg/L | 0.065 mg/L (CMC) | T2 |
| 2/27/2014 | Lead | 0.4 mg/L | 0.065 mg/L (CMC) | T2 |
| 10/5/2011 | Lead | 0.098 mg/L | 0.065 mg/L (CMC) | T2 |
| 1/19/2016 | Cadmium | 0.0089 mg/L | 0.0043 mg/L (CMC) / 0.005 mg/L (MCL) | T2 |
| 1/5/2016 | Cadmium | 0.027 mg/L | 0.0043 mg/L (CMC) / 0.005 mg/L (MCL) | T2 |
| 2/27/2014 | Cadmium | 0.04 mg/L | 0.0043 mg/L (CMC) / 0.005 mg/L (MCL) | T2 |
| 1/19/2016 | Nickel | 0.15 mg/L | 0.1 mg /L (MCL) | T2 |
| 1/5/2016 | Nickel | 0.62 mg/L | 0.47 mg/L (CMC) / 0.1 mg /L (MCL) | T2 |
| 2/27/2014 | Nickel | 0.92 mg/L | 0.47 mg/L (CMC) / 0.1 mg /L (MCL) | T2 |
| 3/8/2013 | Nickel | 0.13 mg/L | 0.1 mg /L (MCL) | T2 |
| 10/5/2011 | Nickel | 0.22 mg/L | 0.1 mg /L (MCL) | T2 |
| 1/19/2016 | Chromium | 0.14 mg/L | 0.05 mg/L (MCL) | T2 |
| 1/5/2016 | Chromium | 0.38 mg/L | 0.05 mg/L (MCL) | T2 |
| 12/12/2015 | Chromium | 0.56 mg/L | 0.05 mg/L (MCL) | T2 |
| 2/27/2014 | Chromium | 0.87 mg/L | 0.05 mg/L (MCL) | T2 |
| 11/21/2013 | Chromium | 0.076 mg/L | 0.05 mg/L (MCL) | T2 |
| 3/8/2013 | Chromium | 0.13 mg/L | 0.05 mg/L (MCL) | T2 |
| 12/24/2012 | Chromium | 0.08 mg/L | 0.05 mg/L (MCL) | T2 |
| 10/5/2011 | Chromium | 0.25 mg/L | 0.05 mg/L (MCL) | T2 |
| 3/2/2015 | Narrative | Discoloration; turbidity; floatables | Basin Plan at 3-25 / Basin Plan at 3-38 / Basin Plan at 3-26 | T2 |
| 2/23/2015 | Narrative | Discoloration; turbidity; floatables | Basin Plan at 3-25 / Basin Plan at 3-38 / Basin Plan at 3-26 | T2 |

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|---|---|---|---|---|
| 12/2/2014 | Narrative | Discoloration; turbidity; floatables | Basin Plan at 3-25 / Basin Plan at 3-38 / Basin Plan at 3-26 | T2 |
| 4/11/2012 | Narrative | Discoloration; turbidity; floatables | Basin Plan at 3-25 / Basin Plan at 3-38 / Basin Plan at 3-26 | T2 |
| 3/26/2012 | Narrative | Discoloration; turbidity; floatables | Basin Plan at 3-25 / Basin Plan at 3-38 / Basin Plan at 3-26 | T2 |
| 1/23/2012 | Narrative | Discoloration; turbidity; floatables | Basin Plan at 3-25 / Basin Plan at 3-38 / Basin Plan at 3-26 | T2 |
| 10/5/2011 | Narrative | Discoloration; floatables | Basin Plan at 3-25 / Basin Plan at 3-26 | T2 |

The information in the above table reflects data gathered from VRSD's self-monitoring during the 2011-2012, 2012-2013, 2013-2014, and 2014-2015 wet seasons, as well as the 2015-2016 reporting year. EDC alleges that since May 3, 2011, and continuing through today, VRSD has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Nitrate + Nitrite as Nitrogen – 10 mg/L (MCL)
- Nitrate + Nitrite as Nitrogen – 5 mg/L (WQO)
- Arsenic – 0.01 mg/L (MCL)
- Copper – 0.013 mg/L (CMC)
- Zinc – 0.12 mg/L (CMC)
- Lead – 0.065 mg/L (CMC)
- Cadmium – 0.0043 mg/L (CMC)
- Cadmium – 0.005 mg/L (MCL)
- Nickel – 0.47 mg/L (CMC)
- Nickel – 0.1 mg/L (MCL)
- Chromium – 0.05 mg/L (MCL)
- Discoloration – waters shall be free of coloration that causes nuisance or adversely affects beneficial uses (Basin Plan at 3-25)
- Turbidity –waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses (Basin Plan at 3-38)
- Floatables – waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses (Basin Plan at 3-26)

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of

the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

| Date | Parameter | Observed Concentration | EPA Benchmark Value / Annual NAL | Outfall |
|---|---|---|---|---|
| 1/19/2016 | Total Suspended Solids | 2800 mg/L | 100 mg/L | T2 |
| 1/5/2016 | Total Suspended Solids | 23000 mg/L | 100 mg/L | T2 |
| 7/20/2015 | Total Suspended Solids | 370 mg/L | 100 mg/L | T2 |
| 12/12/2015 | Total Suspended Solids | 13000 mg/L | 100 mg/L | T2 |
| 12/2/2014 | Total Suspended Solids | 11000 mg/L | 100 mg/L | T2 |
| 2/27/2014 | Total Suspended Solids | 33000 mg/L | 100 mg/L | T2 |
| 11/21/2013 | Total Suspended Solids | 1100 mg/L | 100 mg/L | T2 |
| 3/8/2013 | Total Suspended Solids | 2600 mg/L | 100 mg/L | T2 |
| 1/24/2013 | Total Suspended Solids | 780 mg/L | 100 mg/L | T2 |
| 12/24/2012 | Total Suspended Solids | 181 mg/L | 100 mg/L | T2 |
| 11/29/2012 | Total Suspended Solids | 120 mg/L | 100 mg/L | T2 |
| 4/11/2012 | Total Suspended Solids | 180 mg/L | 100 mg/L | T2 |
| 3/26/2012 | Total Suspended Solids | 340 mg/L | 100 mg/L | T2 |
| 1/23/2012 | Total Suspended Solids | 770 mg/L | 100 mg/L | T2 |
| 10/5/2011 | Total Suspended Solids | 12000 mg/L | 100 mg/L | T2 |
| 1/19/2016 | Nitrate + Nitrite N | 0.76 mg/L | 0.68 mg/L | T2 |
| 1/5/2016 | Nitrate + Nitrite N | 1.63 mg/L | 0.68 mg/L | T2 |
| 7/20/2015 | Nitrate + Nitrite N | 1.68 mg/L | 0.68 mg/L | T2 |
| 12/12/2015 | Nitrate + Nitrite N | 365 mg/L | 0.68 mg/L | T2 |
| 12/2/2014 | Nitrate + Nitrite N | 121.5 mg/L | 0.68 mg/L | T2 |
| 2/27/2014 | Nitrate + Nitrite N | 3.61 mg/L | 0.68 mg/L | T2 |
| 11/21/2013 | Nitrate + Nitrite N | 3.04 mg/L | 0.68 mg/L | T2 |
| 3/8/2013 | Nitrate + Nitrite N | 3.1 mg/L | 0.68 mg/L | T2 |
| 1/24/2013 | Nitrate + Nitrite N | 4.9 mg/L | 0.68 mg/L | T2 |
| 12/24/2012 | Nitrate + Nitrite N | 19.7 mg/L | 0.68 mg/L | T2 |
| 11/29/2012 | Nitrate + Nitrite N | 3.9 mg/L | 0.68 mg/L | T2 |
| 4/11/2012 | Nitrate + Nitrite N | 2.8 mg/L | 0.68 mg/L | T2 |
| 3/26/2012 | Nitrate + Nitrite N | 31 mg/L | 0.68 mg/L | T2 |
| 1/23/2012 | Nitrate + Nitrite N | 9.4 mg/L | 0.68 mg/L | T2 |
| 10/5/2011 | Nitrate + Nitrite N | 2.6 mg/L | 0.68 mg/L | T2 |
| 1/19/2016 | Phosphorous | 4.6 mg/L | 2.0 mg/L | T2 |
| 1/5/2016 | Phosphorous | 13 mg/L | 2.0 mg/L | T2 |
| 12/12/2015 | Phosphorous | 16 mg/L | 2.0 mg/L | T2 |
| 12/2/2014 | Phosphorous | 12 mg/L | 2.0 mg/L | T2 |
| 2/27/2014 | Phosphorous | 48 mg/L | 2.0 mg/L | T2 |
| 11/21/2013 | Phosphorous | 3.9 mg/L | 2.0 mg/L | T2 |
| 3/8/2013 | Phosphorous | 3.8 mg/L | 2.0 mg/L | T2 |

| | | | | |
|---|---|---|---|---|
| 1/24/2013 | Phosphorous | 1.7 mg/L | 2.0 mg/L | T2 |
| 12/24/2012 | Phosphorous | 5 mg/L | 2.0 mg/L | T2 |
| 3/26/2012 | Phosphorous | 4.2 mg/L | 2.0 mg/L | T2 |
| 1/23/2012 | Phosphorous | 2.9 mg/L | 2.0 mg/L | T2 |
| 10/5/2011 | Phosphorous | 8 mg/L | 2.0 mg/L | T2 |
| 12/12/2015 | Ammonia (as N) | 3.2 mg/L | 2.14 mg/L | T2 |
| 2/27/2014 | Ammonia (as N) | 2.9 mg/L | 2.14 mg/L | T2 |
| 11/21/2013 | Ammonia (as N) | 3.5 mg/L | 2.14 mg/L | T2 |
| 3/26/2012 | Ammonia (as N) | 8.2 mg/L | 2.14 mg/L | T2 |
| 10/5/2011 | Ammonia (as N) | 4.6 mg/L | 2.14 mg/L | T2 |
| 2/27/2014 | Arsenic | 0.21 mg/L | 0.15 mg/L | T2 |
| 1/19/2016 | Iron | 160 mg/L | 1.0 mg/L | T2 |
| 1/5/2016 | Iron | 550 mg/L | 1.0 mg/L | T2 |
| 7/20/2015 | Iron | 20 mg/L | 1.0 mg/L | T2 |
| 12/12/2015 | Iron | 560 mg/L | 1.0 mg/L | T2 |
| 12/2/2014 | Iron | 360 mg/L | 1.0 mg/L | T2 |
| 2/27/2014 | Iron | 1100 mg/L | 1.0 mg/L | T2 |
| 11/21/2013 | Iron | 68 mg/L | 1.0 mg/L | T2 |
| 3/8/2013 | Iron | 120 mg/L | 1.0 mg/L | T2 |
| 1/24/2013 | Iron | 34 mg/L | 1.0 mg/L | T2 |
| 12/24/2012 | Iron | 23.9 mg/L | 1.0 mg/L | T2 |
| 11/29/2012 | Iron | 6.1 mg/L | 1.0 mg/L | T2 |
| 4/11/2012 | Iron | 9.6 mg/L | 1.0 mg/L | T2 |
| 3/26/2012 | Iron | 13 mg/L | 1.0 mg/L | T2 |
| 1/23/2012 | Iron | 44 mg/L | 1.0 mg/L | T2 |
| 10/5/2011 | Iron | 260 mg/L | 1.0 mg/L | T2 |
| 1/19/2016 | Iron | 160 mg/L | 1.0 mg/L | T2 |
| 1/19/2016 | Copper | 0.16 mg/L | 0.0332 mg/L | T2 |
| 1/5/2016 | Copper | 0.47 mg/L | 0.0332 mg/L | T2 |
| 12/12/2015 | Copper | 0.51 mg/L | 0.0332 mg/L | T2 |
| 2/27/2014 | Copper | 0.89 mg/L | 0.0332 mg/L | T2 |
| 11/21/2013 | Copper | 0.14 mg/L | 0.0332 mg/L | T2 |
| 3/8/2013 | Copper | 0.17 mg/L | 0.0332 mg/L | T2 |
| 1/24/2013 | Copper | 0.05 mg/L | 0.0332 mg/L | T2 |
| 12/24/2012 | Copper | 0.105 mg/L | 0.0332 mg/L | T2 |
| 3/26/2012 | Copper | 0.068 mg/L | 0.0332 mg/L | T2 |
| 1/23/2012 | Copper | 0.056 mg/L | 0.0332 mg/L | T2 |
| 10/5/2011 | Copper | 0.26 mg/L | 0.0332 mg/L | T2 |
| 1/19/2016 | Zinc | 0.86 mg/L | 0.26 mg/L | T2 |
| 1/5/2016 | Zinc | 1.8 mg/L | 0.26 mg/L | T2 |
| 12/12/2015 | Zinc | 1.6 mg/L | 0.26 mg/L | T2 |
| 2/27/2014 | Zinc | 3.1 mg/L | 0.26 mg/L | T2 |

| | | | | |
|---|---|---|---|---|
| 3/8/2013 | Zinc | 0.48 mg/L | 0.26 mg/L | T2 |
| 12/24/2012 | Zinc | 0.38 mg/L | 0.26 mg/L | T2 |
| 10/5/2011 | Zinc | 0.84 mg/L | 0.26 mg/L | T2 |
| 2/27/2014 | Lead | 0.4 mg/L | 0.262 mg/L | T2 |
| 1/19/2016 | Cadmium | 0.0089 mg/L | 0.0053 mg/L | T2 |
| 1/5/2016 | Cadmium | 0.027 mg/L | 0.0053 mg/L | T2 |
| 2/27/2014 | Cadmium | 0.04 mg/L | 0.0053 mg/L | T2 |

The information in the above table reflects data gathered from VRSD's self-monitoring during the 2011-2012, 2012-2013, 2013-2014, and 2014-2105 wet seasons and the 2015-2016 reporting year. EDC alleges that since at least May 3, 2011, VRSD has discharged storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for TSS, N+N, phosphorous, ammonia, arsenic, iron, copper, zinc, lead and cadmium.

EDC's investigation, including its review of VRSD's Storm Water Pollution Prevention Plan ("SWPPP"), VRSD's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards, and EPA benchmark values and NALs, indicates that VRSD has not implemented BAT and BCT at the Facility for its discharges of TSS, N+N, phosphorous, iron, ammonia, arsenic, copper, zinc, lead, cadmium, chromium, and nickel in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. VRSD was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, VRSD is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT. In addition, EDC notes that VRSD has already exceeded the instantaneous maximum NAL for TSS during the 2015-2016 reporting year. This will put the Facility in Level 1 status and also requires the implementation of additional BMPs.

Moreover, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. EDC alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since May 3, 2011, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which EDC alleges that VRSD has discharged storm water containing impermissible and unauthorized levels of TSS, N+N, phosphorous, iron, ammonia, arsenic, copper, zinc, lead, cadmium, chromium, and nickel in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.[3]

[3] The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Santa Paula, approximately 6.5 miles from the Facility. The data is available

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of TSS, N+N, phosphorous, iron, ammonia, arsenic, copper, zinc, lead, cadmium, chromium, nickel, and storm water associated with industrial activity in violation of Section 301(a) of the CWA. Each day that the Facility operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, VRSD is subject to penalties for violations of the General Permit and the Act since May 3, 2011.

### B. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program for the Facility.

The 1997 Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program before industrial activities begin at a facility. *See* 1997 Permit, § B(1). The 2015 Permit includes similar monitoring and reporting requirements. *See* 2015 Permit, § XI. The primary objective of the Monitoring and Reporting Program is to both observe and to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations. An adequate Monitoring and Reporting Program therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance with the General Permit.

Sections B(3)-(16) of the 1997 Permit set forth the monitoring and reporting requirements. As part of the Monitoring Program, all facility operators must conduct visual observations of storm water discharges and authorized non-storm water discharges, and collect and analyze samples of storm water discharges. As part of the Reporting Program, all facility operators must timely submit an Annual Report for each reporting year. The monitoring and reporting requirements of the 2015 Permit are substantially similar to those in the 1997 Permit, and in several instances more stringent.

#### i. Failure to Conduct Sampling and Analysis

The 2015 Permit requires that dischargers collect and analyze storm water samples from two qualifying storm events ("QSEs") during the first half of each reporting year (July 1 to December 31) and two QSEs during the second half of each reporting year (January 1 to June 30). § XI(B)(2). On information and belief, EDC alleges that during the first half of the 2015-2016 reporting year, the Facility failed to collect and analyze a storm water sample from a second QSE. This results in a violation of the General Permit. This violation of the General

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at http://www.ipm.ucdavis.edu/calludt.cgi/WXDESCRIPTION?STN=Santa_Paula.A and was accessed on May 3, 2016.

Permit is ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, VRSD is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since December 30, 2015.

### ii. Failure to Conduct Visual Observations of Storm Water Discharges

Section B of the 1997 Permit describes the visual monitoring requirements for storm water discharges. Facilities are required to make monthly visual observations of storm water discharges from all drainage areas (Section B(4)). Section B(7) requires that the visual observations must represent the "quality and quantity of the facility's storm water discharges from the storm event." The requirement to make monthly visual observations of storm water discharges from each drainage area is continued in Section XI(A) of the 2015 Permit.

On information and belief, EDC alleges that VRSD failed to properly conduct a monthly visual observation of the storm water discharges at the T2 outfall on February 27, 2014. During that event, the Facility reported that it did not observe any pollutants in the discharge. However, the concentration of TSS measured for that same event was 33,000 mg/L–the highest measured from the Facility during the past five years. EDC alleges it would be impossible for a discharge containing that level of TSS to be free of visual pollutants. Indeed, the Facility observed discolored, turbid water during various other events when the level of TSS was much lower than 33,000 mg/L. This violation of the General Permit is ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, VRSD is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since February 27, 2014.

### iii. Failure to Analyze Discharges for Mandatory Parameters

Under the 1997 Permit, facilities must analyze storm water samples for "toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." 1997 Permit, Section B(5)(c)(ii). Under the 2015 Permit, facilities must analyze storm water samples for "[a]dditional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment." 2015 Permit, Section XI(B)(6)(c).

During the past five years, VRSD has analyzed its storm water discharges for zinc, copper, cadmium, and nickel. Many of those discharges contained levels in excess of the benchmark values and water quality standards for those parameters. In its SWPPP, VRSD indicates that it will analyze its storm water discharges for zinc, copper, cadmium, and nickel. However, during the first sampling event of the 2014-2015 wet season, VRSD failed to analyze its storm water discharge for zinc, copper, cadmium, and nickel. During the second sampling event of that season, VRSD failed to analyze its storm water discharge for cadmium and nickel. These failures to analyze for required parameters results in at least 6 violations of the General Permit. These violations are ongoing. Consistent with the five-year statute of limitations

applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, VRSD is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since December 2, 2014.

### C. Failure to Submit Laboratory Reports

Section B(14) of the 1997 Permit requires dischargers to include laboratory reports with their Annual Reports submitted to the Regional Board. This requirement is continued with the 2015 Permit. Fact Sheet, Paragraph O. On information and belief, EDC alleges that VRSD failed to submit laboratory reports with its 2014-2015 Annual Report. This violation of the General Permit is ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, VRSD is subject to penalties for violations of the General Permit and the Act's annual reporting requirements since July 1, 2015.

### D. Failure to Complete Annual Comprehensive Site Compliance Evaluation

The 1997 Permit, in relevant part, requires that the Annual Report include an Annual Comprehensive Site Compliance Evaluation Report ("ACSCE Report"). (Section B(14). As part of the ACSCE Report, the facility operator must review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. The Annual Report must be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of his or her knowledge. The 2015 Permit now requires operators to conduct an Annual Comprehensive Facility Compliance Evaluation ("Annual Evaluation") that evaluates the effectiveness of current BMPs and the need for additional BMPs based on visual observations and sampling and analysis results. *See* 2015 Permit, § XV.

Information available to EDC indicates that VRSD has consistently failed to comply with Section B(14) of the 1997 Permit, and Section XV of the 2015 Permit. None of the Facility's ACSCE Reports provide an explanation of the Facility's failure to take steps to reduce or prevent high levels of pollutants observed in the Facility's storm water discharges. *See* 1997 Permit Receiving Water Limitation C(3) and C(4) (requiring facility operators to submit a report to the Regional Board describing current and additional BMPs necessary to prevent or reduce pollutants causing or contributing to an exceedance of water quality standards); *see also* 2015 Permit § X(B)(1)(b). The failure to assess the Facility's BMPs and respond to inadequacies in the ACSCE Reports negates a key component of the evaluation process required in self-monitoring programs such as the General Permit. Instead, VRSD has not proposed sufficient BMPs that properly respond to EPA benchmark and water quality standard exceedances, in violation of the General Permit. Moreover, the ACSCE submitted with the 2013-2014 Annual Report was blank.

EDC puts VRSD on notice that its failures to submit accurate and complete ACSCE Reports are violations of the General Permit and the CWA. VRSD is in ongoing violation of

Section XV of the 2015 Permit every day the Facility operates without evaluating the effectiveness of BMPs and the need for additional BMPs. These violations are ongoing. Each of these violations is a separate and distinct violation of the General Permit and the CWA. VRSD is subject to civil penalties for all violations of the CWA occurring since May 3, 2011.

### E. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Under the General Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, and ensuring that operators meet effluent and receiving water limitations. Section A(1) and Provision E(2) of the 1997 Permit require dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the 1997 Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. *See* 1997 Permit § A(2); 2015 Permit § X(C). These BMPs must achieve compliance with the General Permit's effluent limitations and receiving water limitations. To ensure compliance with the General Permit, the SWPPP must be evaluated and revised as necessary. 1997 Permit §§ A(9), (10); 2015 Permit § X(B). Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. 2015 Permit Factsheet § I(1).

Sections A(3)-A(10) of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of significant materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges, including structural BMPs where non-structural BMPs are not effective. Sections X(D) – X(I) of the 2015 Permit set forth essentially the same SWPPP requirements as the 1997 Permit, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as any advanced BMPs as necessary to achieve BAT/BCT, which serve as the basis for compliance with the 2015 Permit's technology-based effluent limitations and receiving water limitations. *See* 2015 Permit § X(H). The 2015 Permit further requires a more comprehensive assessment of potential pollutant sources than the 1997 Permit; more specific BMP descriptions; and an additional BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. *See* 2015 Permit §§ X(G)(2), (4), (5).

The 2015 Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee

training program, and quality assurance and record keeping. *See* 2015 Permit, § X(H)(1). Failure to implement all of these minimum BMPs is a violation of the 2015 Permit. *See* 2015 Permit Fact Sheet § I(2)(o). The 2015 Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. *See* 2015 Permit, § X(H)(2). Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the 2015 Permit. *Id.* The 2015 Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. *See* 2015 Permit § X(H)(4), (5).

Despite these clear BMP requirements, VRSD has been conducting and continues to conduct industrial operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP.

The SWPPP fails to comply with the requirements of Section X(H)(2) of the 2015 Permit. The SWPPP also fails to identify and implement advanced BMPs that are not being implemented at the Facility because they do not reflect best industry practice considering BAT/BCT.

Most importantly, the Facility's storm water samples and discharge observations have consistently exceeded EPA benchmarks, NALs, and water quality standards, demonstrating the failure of its BMPs to reduce or prevent pollutants associated with industrial activities in the Facility's discharges. Despite these exceedances, VRSD has failed to sufficiently update the Facility's SWPPP. The Facility's SWPPP has therefore never achieved the General Permit's objective to identify and implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges.

EDC puts VRSD on notice that it violates the General Permit and the Clean Water Act every day that the Facility operates with an inadequately developed, implemented, and/or revised SWPPP. These violations are ongoing, and EDC will include additional violations as information and data become available. VRSD is subject to civil penalties for all violations of the Clean Water Act occurring since May 3, 2011.

## III. Persons Responsible for the Violations.

EDC puts VRSD, Mark Lawler, Frank Kiesler, and David Thomas on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, EDC puts VRSD, Mark Lawler, Frank Kiesler, and David Thomas on notice that it intends to include those persons in this action.

## IV. Name and Address of Noticing Parties.

The name, address and telephone number of EDC is as follows:

Owen Bailey
Executive Director
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101
(805) 963-1622

## V. Counsel.

EDC has retained legal counsel to represent it in this matter. Please direct all communications to:

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## VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects VRSD to a penalty of up to $37,500 per day per violation for all violations. In addition to civil penalties, EDC will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

EDC believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. EDC intends to file a citizen suit under Section 505(a) of the Act against VRSD and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, EDC would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, EDC suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. EDC does not intend to

delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,

Douglas J. Chermak
Lozeau Drury LLP

Maggie Hall, Staff Attorney
Environmental Defense Center

**SERVICE LIST – via certified mail**

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U.S. Environmental Protection Agency
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Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
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Samuel Unger, Executive Officer
Regional Water Quality Control Board
Los Angeles Region
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

**ATTACHMENT A**
Rain Dates, Toland Road Landfill, Santa Paula, CA

5/9/2011
5/17/2011
10/5/2011
11/6/2011
11/11/2011
11/12/2011
11/20/2011
12/12/2011
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1/23/2012
3/17/2012
3/25/2012
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11/17/2012
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5/14/2015
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10/17/2015
12/13/2015
12/19/2015
12/25/2015
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2/18/2016
3/6/2016